

Hoisting Machine Operator's Advisory Board Minutes
Friday, November 7, 2003
12:00 p.m.

APPROVED 3/22/04

Department of Labor & Industrial Relations Office
HIOSH Conference Room
830 Punchbowl Street #425
Honolulu, Hawaii 96814

Members in Attendance: Clayton Winger, Kerwyn Chong and Mel Miyamoto.
Excused: Allan Parker
Absent: Gary McKeague
Guest: James Decker, HIOSH

Call to order: Quorum was met and Clayton Winger called the meeting to order at 12:05 p.m.

September 10, 2003

Minutes: Minutes were unanimously approved as circulated.

Community Concerns: None.

Director's Report: Applications update: 154 applications have been submitted to DLIR and a total deposit of \$69,450.00 into the HMOAB fund.
Mr. Kurt Tsukiyama from HECO emailed a question regarding classification of various cranes being revised addressing large and small telescopic cranes. The classification will be based on control station type versus capacity of the unit. Lora will email Mr. Brent to see if any decision had been made on revisions.
The board approved Lora's request to check on prices to purchase a digital camera (for website) and a card printing id machine (for the certification cards).

New Business:

Final amendments for the HMOAB Administrative Rules to add "Section 12-48-12 Violations and Penalties" were discussed and approved. Mr. James Decker briefed the board regarding the quandary of our rules and reiterated Jennifer Shishido's request to submit the board's recommendations for HIOSH staff to incorporate into our rules with its proper language or any other necessary information we may not be aware of. The board agreed that the recommended amendments would be used as a guideline to the necessary and proper language for appropriate penalties of non compliance crane operator's and will be subject to Jennifer's approval.

Section 12-48-12, Violations and Penalties:

- (a) Any crane operator who violates this chapter or any rule or regulation issued under the authority of this chapter, or discards any notice or warning required by this chapter will be assessed a penalty of \$1,000.

- (b) Each day a violation continues shall constitute a separate violation except that during an abatement period only, no additional penalty shall be levied against the crane operator.
- (c) Any crane operator who willfully or repeatedly violates this chapter, or any standard, rule, citation, or order issued under authority of this chapter shall be assessed a penalty of \$1,000.00.
- (d) The director shall have authority to assess all penalties provided in this chapter, giving due consideration to the appropriateness of the penalty with respect to the size of the business of the employer being charged, the gravity of the violation, the good faith of the employer, and the history of the previous violations.
- (e) For employers: All rules apply as cited in HRS Chapter 396, Section 10, Violations and penalties, (e) thru (h).

Unfinished Business: None

Executive Session: None

Correspondence: None

Announcements: None

Adjournment: Clayton Winger adjourned the meeting at 1:45 p.m.